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Provisional

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Wednesday, 19 May 2004, 5.25 p.m.
New York

President:	Mr. Akram	(Pakistan)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Cheng Jingye
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yañez Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Cunningham

Agenda

The situation in the Middle East, incuding the Palestinian question

Letter dated 17 May 2004 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council (S/2004/393)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-35703 (E)

The meeting was called to order at 5.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

Letter dated 17 May 2004 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council (S/2004/393)

The President: I should like to inform the Council that I have received a letter from the representative of Israel, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Gillerman (Israel) took a seat at the Council table.

The President: I should like to inform the Council that I have received a letter dated 19 May 2004 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2004/406, and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council being held today, Wednesday, 19 May 2004, regarding the situation in the Middle East, including the Palestinian question."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting in accordance with the provisional rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took a seat at the Council table.

The President: The Security Council will begin its consideration of the item on its agenda. The Council is meeting in response to the request contained in a letter dated 17 May 2004 from the Permanent Representative of Yemen, which has been issued as document S/2004/393.

Members of the Council have before them document S/2004/400, which contains the text of a draft resolution submitted by Algeria and Yemen.

I should also like to draw attention to the identical letters dated 17 May 2004 addressed to the Secretary-General and the President of the Security Council from the Permanent Observer of Palestine, which have been issued as document S/2004/394.

I welcome the presence of the Secretary-General, Mr. Kofi Annan, at this meeting.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:
Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland

Abstaining:
United States of America

The President: The result of the voting is as follows: 14 votes in favour, none against and 1 abstention. The draft resolution has been adopted as resolution 1544 (2004).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Baali (Algeria) (*spoke in French*): My delegation welcomes the Security Council's adoption of a resolution on the situation in the Palestinian territory, a resolution that unambiguously condemns the killing that openly occurred in Rafah, where dozens of unarmed civilians, including many children, have

fallen victim to the bullets and the missiles of the Israeli army, which has been caught red-handed in its barbaric acts before the cameras of the entire world. We also welcome the fact that the Security Council has expressed its grave concern at the large-scale demolition of homes, which is in flagrant violation of international law and the Fourth Geneva Convention, and that the Council has called upon Israel to cease such practices.

My delegation is particularly pleased that the Security Council, united today in its rejection of Israel's scandalous conduct, has decided finally to send Israel a strong signal, long-awaited by the international community, that it cannot continue with impunity to flout the Council's authority and to trample underfoot the norms of international law. The international community now expects Israel to abide by its will, to put an immediate end to its policy of aggression, destruction and provocation of the Palestinian people and to commit itself in good faith to abide by its commitments, as laid out in the road map. In particular, as requested at the Quartet meeting of 4 May, it must take certain steps:

(*spoke in English*)

> "the Government of Israel should take no actions undermining trust, including deportations; attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; destruction of Palestinian institutions and infrastructure; and other measures specified in the Tenet work plan".

(*spoke in French*)

It is equally important, in that context, for Israel, as called upon by the Secretary-General, to immediately halt its military operations in Rafah and to withdraw its troops without delay. After today's butchery, Israel would be well advised to heed, for once, the voice of reason.

Finally, I would again like to thank all the members of the Security Council for their cooperation and for their support for the text we have adopted, which demonstrates that the Council is able to meet its responsibilities and respond to the expectations of the international community.

Mr. Cunningham (United States of America): We deeply regret the loss of life among innocent Palestinian civilians today in Gaza. While we believe that Israel has the right to act to defend itself and its citizens, we do not see that its operations in Gaza in the past few days serve the purposes of peace and security. They have worsened the humanitarian situation and have resulted in confrontations between Israeli forces and Palestinians, and have not, we believe, enhanced Israel's security.

We note that the Government of Israel has expressed its deep regret for what it called a tragic event. These events, in fact, serve as a grim reminder of the wisdom of Israel disengaging from Gaza and having its security presence replaced by reformed Palestinian security forces that will and must themselves act to stop smuggling and halt terrorism. The road map calls upon the Palestinian Authority to "declare an unequivocal end to violence and terrorism and undertake visible efforts on the ground to arrest, disrupt, and restrain individuals and groups conducting and planning violent acts on Israelis anywhere" (*S/2003/529, annex, p. 3*), and to begin "sustained, targeted, and effective operations aimed at confronting all those engaged in terror and dismantlement of terrorist capabilities and infrastructure" (*ibid.*).

We have urged the Israeli Government to exercise maximum restraint now. All parties should find a reason to calm the situation. We intend to consult immediately with the relevant parties, which include Israel, the Palestinians and the Government of Egypt, about effective ways to move forward against the smuggling of arms into Gaza and terrorist activities there, so as to create the best possible conditions on the ground, leading toward the disengagement that we continue to favour.

While we are clearly concerned about Israel's operations in Gaza, including the demolition of homes of innocent Palestinians and the deaths of Palestinian civilians, we could not vote in favour of this resolution because we do not believe it addresses sufficiently the context of the recent events in Gaza. It is clear that Palestinian terrorists have been smuggling weapons into Gaza through tunnels in Rafah. It is clear that the Palestinian Authority has not taken serious action to address this threat or to put an end to terrorist acts, as it is obligated to do under the road map. Because these issues are not addressed in the resolution, the United States abstained.

Mr. Konuzin (Russian Federation) (*spoke in Russian*): The Security Council has just adopted a resolution on the latest developments regarding the Palestinian-Israeli conflict. Guided by its fundamental principles, the Russian Federation supported the resolution.

Russia expresses serious concern about the most recent spiral of violence in the confrontation in the Palestinian territories. Israelis and Palestinians, including women and children, continue to die. We have noted with concern the events in Rafah, and we have been particularly alarmed at Israel's destruction of Palestinian homes, which has resulted in the homelessness of more than 2,000 people. Simple people are suffering and innocent victims are being subjected to collective punishment. New seeds of hatred are being sown.

We firmly believe that it is absolutely unfeasible to use force to resolve problems in relations between Palestinians and Israelis. Lasting peace can be achieved only on the basis of a political process and through direct negotiations between the parties on the basis of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), which are universally recognized and legally binding. Both the Palestinians and the Israelis must bring their actions in line with the road map for a Middle East peace settlement that they themselves approved. We have repeatedly pointed out in this Chamber the obligations of the parties under the road map.

We condemn terrorism. Any manifestation of terrorism is abhorrent. Israel has the right to defend its citizens, but that right must be exercised in observance of international humanitarian norms, particularly the Geneva Conventions. The destruction of Palestinian homes by Israel aggravates the humanitarian crisis in the Palestinian territories, and that practice must be immediately stopped. The priority task now is the immediate end of violence by both sides and renewed cooperation between the parties on security issues, however difficult that may be. Only thus will we be able to return to the path of political dialogue and implement the provisions of the road map.

As an active participant in the Quartet of international mediators, Russia is doing its utmost to help to create a formula to overcome the current crisis. On the instructions of the Minister for Foreign Affairs of Russia, his special representative for a Middle East settlement is in consultations with regional partners and will work for the implementation of the decisions adopted by the Quartet in New York on 4 May this year.

Mr. Duclos (France) (*spoke in French*): France voted in favour of the resolution just adopted because we believed it essential that the Security Council react swiftly and firmly in the light of the brutal deterioration of the situation in Gaza. It was necessary that the Council make an appeal to reason and restraint, as had already been done by the European Union and by the Secretary-General, whose presence I welcome this afternoon.

France is dismayed at the violence of the last few days and expresses its sympathy to the civilian population affected by Israeli military operations. France, like the European Union, has condemned the large-scale demolition of Palestinian houses in Rafah. That was disproportionate and contrary to international law and to Israel's obligations under the road map. Those obligations were specifically recalled by the Quartet during its 4 May meeting in New York. Similarly, France expects the Palestinian Authority to undertake more determined action in the area of security, particularly with regard to the fight against terrorism.

The house demolitions and the military operations must cease immediately. There is an urgent need for the establishment of a ceasefire that includes all the parties and all the groups and for the immediate implementation by the Palestinian Authority and the Government of Israel of their obligations under the road map.

Mr. Cheng Jingye (China) (*spoke in Chinese*): China is opposed to Israel's large-scale demolition of Palestinian houses, a practice that is in violation of international law. We also condemn the Israeli military actions that have caused heavy civilian casualties in Gaza. Those Israeli actions will only aggravate the already deteriorating situation in the Middle East and will in no way contribute to a resumption of peace talks. China urges Israel to immediately halt such actions and return to the path of a political settlement of the relevant issues. Based on that position, China voted in favour of the draft resolution.

In that connection, I should like to appeal once again to the Israelis and the Palestinians to put an end to the vicious circle of violence, to resume contacts and

dialogue as soon as possible and to implement the relevant obligations under the road map. The international community should also intensify its efforts to press for a speedy resumption of the road map's implementation.

The Government and the people of China have deep sympathy for the sufferings of the Palestinian people. We are prepared to work together with the international community to provide Palestine with appropriate humanitarian assistance.

Mr. Motoc (Romania): Allow me first to acknowledge and welcome the presence at our meeting of the Secretary-General, Mr. Kofi Annan.

Romania voted in favour of this resolution. Indeed, we share the widespread concern over the continuing deterioration of the situation on the ground in the Gaza Strip, including the large-scale demolition of Palestinian homes and the death of a large number of innocent civilians. That development was sadly confirmed today by further reports of fresh violence.

My delegation has already stated on several occasions that, while fully recognizing the right of the State of Israel to defend its citizens, all actions taken in fighting terror must be in compliance with the relevant norms of international law. We are satisfied that the text just adopted reflects the parties' reciprocal obligations in preventing the escalation of violence, among which we believe the need for decisive action against terrorism and the prevention of the illegal transfer and acquisition of weapons in Gaza and the West Bank figure prominently.

At this juncture, we encourage the two parties to declare a ceasefire as a preface to the opening of direct negotiations. As has been stated on previous occasions, a just, comprehensive and lasting peace can be achieved only through negotiations, as envisaged in the road map, and in accordance with the provisions of the relevant resolutions of the Security Council.

Mr. Yañez Barnuevo (Spain) (spoke in Spanish): The Spanish delegation has also joined in the adoption of Security Council resolution 1544 (2004), which from our point of view represents a swift, united, firm and balanced response by the Council to the very worrisome situation that has been developing in the last few days in Gaza. That situation not only has very grave consequences from the humanitarian standpoint, but also jeopardizes the entire peace process in the area.

The Spanish Government has followed these events with great concern and alarm. Today it issued a communiqué emphasizing that the recent military operations carried out by the Israeli army have grave consequences and therefore that the Spanish Government, given its commitment to the quest for a peaceful solution to the conflict, cannot fail to condemn those Israeli operations against Rafah's civilian population, who were protesting the demolition of Palestinian houses. At the same time we once again reaffirm the need for the Palestinian Authority to meet its obligations to deal with terrorist groups that oppose peace.

Spain — which together with the other members of the European Union, as emphasized in the statement of the Council of the European Union a few days ago, recognizes the State of Israel's legitimate right to defend itself within the framework of international law — urges the Israeli authorities to put an end to such actions, which in no way help to advance the path of peace, but rather only impede the creation of an atmosphere of dialogue and negotiation that is necessary to meet the commitments included in the road map. As highlighted at the Quartet's recent meeting in New York, it is essential that the parties return to the path of dialogue and compliance with the commitments of the road map in order to emerge from the current situation.

The Spanish Government, for its part, is doing everything it can. Yesterday and today, we had high-level contacts with Israeli and Palestinian authorities in Madrid. The representative of the European Union foreign policy, Mr. Solana, also participated.

Having said this, we hope that the appeal contained in the resolution just adopted by the Council will be heeded by the parties and that the march towards peace will be resumed as soon as possible and that these serious events, particularly those occurring in Gaza, will end.

The President: I shall now make a statement in my capacity as the representative of Pakistan.

Pakistan voted in favour of the resolution, which, in our view, is the minimum necessary response to the Israeli military incursions in Rafah that have left scores of Palestinian civilians dead or fatally injured. Pakistan

condemns these actions. The blatant attack on demonstrators protesting against the mass military operation today is the latest violation of international humanitarian law, especially of Israel's obligations as an occupying Power under the Geneva Conventions.

The Security Council has the primary responsibility to maintain international peace and security. We believe that silence at this critical juncture is not an option for the Council. It is therefore a matter of some satisfaction that the Security Council has at last been able to pronounce itself on the continued violations of international law and humanitarian norms in the occupied Palestinian territories. It is unfortunate that, in Palestine as in certain other parts of the world, the legitimate campaign to root out terrorism has been abused by the occupying Power to suppress the legitimate right of peoples to self-determination.

Peace in the holy land, as elsewhere, cannot be established merely by imposing a fait accompli on the weaker party. The Israeli actions are bound to further worsen the security situation, which is already volatile due to the continued Israeli occupation of Arab territories. These actions will further aggravate the humanitarian situation prevailing in the occupied territories, particularly in Rafah.

The ability of the Security Council and the international community to bring durable peace to Palestine and the Middle East on the basis of its own resolutions and the Quartet's road map can produce positive results throughout the Arab and Islamic world. Conversely, our failure to do so will further intensify frustration and anger among the Arab and Islamic peoples, increase insecurity and instability in the entire region and escalate support for terrorism and extremism.

I now resume my functions as President of the Security Council.

The Permanent Observer of Palestine has asked for the floor. I give him the floor.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): We are pleased to see you, Sir, the representative of the friendly country of Pakistan, presiding over the Security Council this month. Of course, we thank you for all your efforts.

Our thanks also go to Germany, last month's President of the Council, and its Permanent Representative.

Allow me to join you, Sir, in welcoming the presence of Secretary-General Kofi Annan to this important meeting.

We express our appreciation to the Security Council for its adoption of resolution 1544 (2004) and hope that the Council will follow up on compliance with and implementation of its provisions, an essential matter under the United Nations Charter. We also hope, of course, that Israel, the occupying Power, will comply with the resolution and with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Times of War. First and foremost, however, it must immediately cease its ongoing military operations in the Rafah area. For our part, we stand ready, as we have emphasized in the past, to fulfil our obligations under the road map and to return to the negotiating table.

(*spoke in English*)

Over the past few days and throughout the period since I last addressed the Security Council on the situation in the occupied Palestinian territories, including East Jerusalem, Israel, the occupying Power, has continued and intensified its barbaric military campaign against the Palestinian people. Flagrant violations and grave breaches of international law – war crimes – are being committed by the occupying Power against the Palestinian civilian population every single day, including at this very moment.

In this regard, I believe that it is necessary to recall before this Council that wilful killing, wilfully causing great suffering or serious injury to body or healt h, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, are among those acts considered to constitute grave breaches of the Fourth Geneva Convention.

In grave breach of the Convention, which governs military occupation, and in serious violation of other relevant provisions of international law, Israel continues to use excessive and indiscriminate force against Palestinian civilians, killing men, women and children, and wantonly to destroy Palestinian homes and properties in the occupied Palestinian territories, particularly in the Rafah area of the Gaza Strip. Left defenceless and unprotected by the international community, the Palestinian people continue to suffer the wrath of Israel's violent and lethal occupation policies and practices.

The slaughter today of innocent Palestinian children by the Israeli occupying forces in the Rafah camp is the most recent and most telling illustration of the vicious and barbaric behaviour and actions of that occupying Power. The occupying forces fired at least one missile and several tank shells at a large crowd of about 3,000 Palestinians marching from Rafah towards the Tel Sultan neighbourhood in Rafah in protest against the invasion and destruction of their neighbourhood and the killing of their families, friends and loved ones. These people were unarmed demonstrators, many of them schoolchildren. While the situation on the ground remains chaotic, as of now it is being reported that at least 10 Palestinian civilians were killed in this assault, most of them children; that more than 60 civilians were wounded, including women and children, more than 30 of them in critical condition; and that nine other Palestinians were also killed today in the same area.

This is terrorism. This is State terrorism. These are war crimes, for which the perpetrators must be held accountable under international law. What we have seen today and in recent days and months — the blood of Palestinian civilians flowing in the streets, the demolition of their homes, and their constant humiliation, suffering and collective punishment — is exactly what the Palestinian people have been subjected to under nearly 37 years of Israel's belligerence. It has been a constant barrage of war crimes, State terrorism and systematic human rights violations, for which the international community must hold this occupying Power responsible. The lawlessness and impunity of Israel must be brought to an end, and the Palestinian people must be accorded their rights under international law, including their right to protection as a civilian population under occupation.

Since the start of this month of May, the Israeli occupying forces have killed at least 96 Palestinians, including 28 children. This is the Palestinian death toll in less than three weeks' time. This has included brothers and sisters, fathers and sons. Families and lives are being destroyed by the occupying Power on a wholesale basis as it continues launching military assaults against the Palestinian population. The rate of death and destruction is staggering and continues to rise. From September 2000 to date, more than 3,000 Palestinians — men and women, children and the elderly — have been killed by the Israeli occupying forces. To be exact, at least 3,023 Palestinians have been killed. Many were the targets of extra-judicial killings by the occupying forces, and nearly 600 of the total number of Palestinians killed were children. In that same time period, more than 40,000 Palestinians have also been wounded by the occupying forces.

Palestinian hospitals and emergency rescue personnel, poorly equipped and in desperate need of supplies, have been unable to keep up with the growing number of casualties. Morgues have been unable to keep up with the rising number of dead. Funerals for the martyred have become a daily occurrence. The bloodshed and loss caused by the occupying Power has been great, because Israel has breached every single one of its obligations under international law as an occupying Power. It has blatantly violated all norms and standards of international law, including international humanitarian law and human rights law, and has completely ignored the pleas of the international community to cease its violations against the Palestinian civilian population and to adhere to international law and uphold its obligations. Why? Because that is the core of the mentality of this occupier; it is brutal, vicious and inhumane in all actions against the occupied people, seeking to torment them and impose on them maximum loss, misery and suffering while pursuing its illegitimate aims of colonizing the land and expanding its boundaries.

In addition to the human losses and devastation it is causing, Israel continues to pursue its illegal and inhumane practice of destroying Palestinian homes and properties, causing widespread destruction and material losses and compounding the grief, suffering and humanitarian hardships of the Palestinian people. Thousands of homes and thousands of dunums of Palestinian land have been destroyed by the Israeli occupying forces throughout the occupied Palestinian territories since September 2000. Tens of thousands of Palestinians have been made homeless, the majority of them Palestine refugees who have been displaced and dispossessed yet again.

During the past several days, the occupying Power has escalated this unlawful practice in the Rafah area of the Gaza Strip, including in particular in the Rafah refugee camp, causing excessive and vast destruction. Using armoured bulldozers, tanks and helicopter gunships, the Israeli occupying forces have raided the area, terrorizing the civilian population and

destroying dozens of homes — even attacking some of them while the families were still inside.

Reports indicate that in just the past few days more than 100 homes have been completely destroyed by the occupying forces in Rafah. Some estimates put the toll of destruction much higher, at about 120 homes, and fears continue to rise that even more will be destroyed as Israeli officials threaten to demolish hundreds more homes. As a result of these most recent assaults, more than 1,100 Palestinians have been made homeless, and hundreds of other Palestinians have been fleeing the area, fearing the impending destruction of their homes and property.

Tragically, this is not the first time that the Rafah refugee camp and surrounding area have been besieged and attacked by the Israeli occupying forces. Since September 2000, the Rafah area has been severely targeted. As many here may recall, just over a year ago, a young American, Rachel Corrie, was brutally crushed by a huge armoured Caterpillar bulldozer while trying to prevent the demolition of Palestinian homes in Rafah. Regrettably, those responsible for her tragic death did not even have to explain. They were not held accountable, and the practice of bulldozing the homes of innocent civilians did not cease. Indeed, as home after home and building after building in Rafah are destroyed by the Israeli occupying forces, the entire community is being torn apart, piece by piece, and laid to ruin. Since September 2000, more than 1,300 homes in Rafah alone have been demolished or severely damaged and made unliveable, and more than 12,000 Palestinians have been made homeless.

The humanitarian impact has been overwhelming. The United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) has been unable to keep pace with the widespread destruction being caused by the occupying Power within the refugee camps. It has been struggling to provide shelter to house all those who have been displaced and is still trying to repair and rebuild the thousands of refugee homes that have been damaged or destroyed since the start of this military campaign, while now faced with even more destruction and displacement. Yet, within its limited resources, UNRWA continues to provide tents, food and other relief for those devastated refugee families.

With the ongoing military operation being carried out by the Israeli occupying forces in the Rafah area and the declarations made by Israeli officials that hundreds more Palestinian homes there are targeted for demolition, it is clearer than ever that the aim of those Israeli actions is the effective levelling of the Rafah camp and areas in the city of Rafah itself to allow for the enlargement of the so-called security zone by the occupying Power. Indeed, some of the statements made by Israeli officials are starkly clear about this very intention. These ongoing actions are part and parcel, and reveal the exact meaning, of Prime Minister Sharon's "disengagement plan". This is, of course, an attempt to isolate the Gaza Strip from the outside world, ensuring that it has no border with Egypt and thus ensuring the creation of a large prison for the Palestinian civilian population in Gaza.

I wish to impart some basic information about Gaza for the benefit of those who may be unaware of it. Gaza covers a total of only 360 square kilometres. It is a very poor and deprived area with no natural resources — not even water — and constitutes the most densely populated area in the world per square kilometre, with a population of more than 1.3 million people. More than 10 years after Oslo, at least 35 per cent of Gaza remains under the full control of Israel, for the sheer enjoyment of 7,000 colonial Israeli settlers illegally transferred there, and the entirety of Gaza remains a killing field for the Israeli occupying forces to continue their target practice against the other human beings — the Palestinians — who have the misfortune to live there.

Racist ideologies have always fuelled colonialist phenomena, and throughout history colonizers have always committed crimes against the colonized or occupied people. The occupation of the Palestinian territory since 1967 is no exception. However, it must be said that the occupation of Gaza takes the phenomenon to a different level. The occupation of this poverty-stricken area, the relentless killing of its civilian inhabitants, the wanton destruction of homes and shelters and the constant imposition of suffering on the masses there defy all logic and reason. These constitute transgressions against the most fundamental rights and dignity of persons, for which the violators must be held accountable and must be punished. The same applies to those who want to make sure that they destroy what is actually left in Gaza before they presumably leave it.

As I said at the beginning of my statement, the wilful killing and injury of civilians constitutes a grave

breach — a war crime. Without a doubt, therefore, Israel is committing war crimes against the Palestinian people repeatedly. The demolition of one home constitutes collective punishment. The excessive and large-scale demolition of homes and confiscation of property constitute grave breaches: war crimes. This must all be unequivocally condemned by the international community, and measures should be taken to ensure the cessation of all such breaches. Action should be taken to ensure the protection, the safety and the well-being of the Palestinian civilian population under Israeli occupation. Action should also be taken to ensure that due reparations are made to those whose homes and properties have been destroyed.

The international community, including through the Security Council and the Quartet, must act firmly and collectively to uphold international law, to counter the precipitous decline of the situation in the occupied Palestinian territory, including East Jerusalem, and to prevent the complete extinguishing of any hope for a resumption of the peace process towards the resolution of this tragic and unjust conflict.

We reiterate our appreciation to all the members of the Council.

The President: I thank the Permanent Observer of Palestine for his kind words addressed to me.

The representative of Israel has asked for the floor. I give him the floor.

Mr. Gillerman (Israel): At the outset, let me congratulate you, Mr. President, on your able conduct of the work of the Council during the month of May. Let me also commend the stewardship of Ambassador Pleuger during the month of April.

The Council has convened here as usual, at the urgent behest of the Palestinian Observer, under a barrage of information, misinformation and disinformation. In the interests of truth and objectivity, let us first get the facts straight. I wish to state emphatically and officially that the numbers distributed by the Palestinians about the events in Rafah today are exaggerated and totally false. I can only express my disappointment that some members of the international community — including, sadly, as reflected in the statement attributed to the Secretary-General — have been misled by the Palestinian propaganda machine into making false accusations and drawing conclusions which do not reflect the facts on the ground.

We have not, unfortunately, heard such strong sentiments expressed when innocent Israelis have been slain. So first, here are the facts: during a large procession of several thousand demonstrators, which included many gunmen, seven Palestinians were killed, of whom four or five were armed terrorists. The incident occurred as the crowd left central Rafah along the main road towards the Israel Defence Forces (IDF) in Tel-Sultan. The demonstration was organized by none other than the Palestinian Authority, in violation of the established curfew.

While Israel deeply regrets any loss of civilian life, those numbers put into proportion today's incident, which itself took place under conditions of heavy fighting by Palestinian terrorists. Under the incredibly difficult circumstances in which Israel has taken action against the terrorist infrastructure in the Gaza Strip, terrorists operate among civilians, and tragedy can strike. Israel has done, and will continue to do, everything it can to prevent harm to innocent civilians. Even during times of war the death of innocent civilians is regrettable, but we cannot be deluded by false pretence and any ambiguity between the terrorists and those who fight that deplorable scourge.

The Palestinian Observer has described a litany of Palestinian suffering, without pointing the finger at those responsible for that suffering: his own corrupt and evil leadership, who, while rejecting offers of peace by Israel and the international community, have resorted to terror and violence, dragging Israel, the whole region and the Palestinian people onto a road of horror, bloodshed and destruction. It is this Palestinian leadership that bears the blame.

In choosing the course of terror rather than the road of peace, the Palestinian leaders have brought unto their own the reality described by the Palestinian Observer. This reality, described here today — albeit in a blatant and biased manner — is the result of a corrupt and evil leadership. And it this leadership that is the region's and the Palestinian's real tragedy.

We find it regrettable that certain members of the Council have galvanized to condemn Israel's response to the ongoing Palestinian terrorist campaign, and not those actions that have brought the region to despair and compelled Israel to take defensive measures.

Once again, the members of the Council have been forced to convene to debate a draft text that, for any careful observer, should dispel the illusion that the

intent of its drafters is the improvement of the situation in the region and the encouragement of a fair, lasting and comprehensive peace settlement. The one-sided text before the Council this afternoon rebukes Israel but fails to expressly condemn — by name and not by ambiguous terminology — the Palestinian terrorism that necessitated Israeli action. The Palestinian delegation has once again rejected any language that seeks to recognize any consideration of the legitimate aims of Israel's defensive counter-terrorist operation.

To be frank, this blatant and one-sided posture is more a blemish on the record of those who presented this draft resolution to the Council — and much more a transparent exercise in double standards — than it is an admonition of Israeli conduct.

The Security Council has never dealt with the dangers to peace and security of smuggling arms through the tunnels of Rafah from Egypt. It did not meet to condemn the horrendous desecration of the bodies of Israeli soldiers — young men who were killed during a defensive operation to dismantle those tunnels. It did not come together following the hijacking by armed elements in Gaza last week of an ambulance of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. It did not stand up against the murder of a mother and her four daughters in the Gaza Strip or against the continuing cultivation of a culture of hate and destruction by the Palestinian leadership.

The Council will not serve the cause of peace in the Middle East by condemning Israeli actions and ignoring the violence, terrorism and incitement that continue to emanate from the Palestinian leadership. Such repeated rituals embolden terrorism; they do not embolden those who seek to dismantle it.

Today, Israel stands at the gates of Hell in the Gaza Strip. The southern city of Rafah serves as the arms-smuggling gateway of the Palestinian Authority and the main pipeline for transporting weapons and ammunition in Gaza. Since September 2000, subterranean tunnels constructed underneath the "Philadelphi route" have been used by Iran and Hizbullah, as well as by Palestinian terrorist organizations like Hamas and the PFLP, for turning the Gaza Strip into a base for missile and rocket attacks against Israeli targets. These tunnels of terror provide the conduit for the smuggling of large amounts of diverse weapons, including among them hundreds of kilogrammes of explosives; hundreds of rifles, mainly AK-47 Kalashnikovs; tens of thousands of rounds of ammunition; and dozens of rocket-propelled-grenade rockets and launchers, which are entirely incompatible with signed agreements and any plan for a return to non-violent negotiations.

Israel views the illicit trade and trafficking in small arms and light weapons as a humanitarian issue as well as a security one. We cannot forget for a moment that the terrorists seek to harm civilians not only in the locations they target, but also in the locations in which they seek shelter and from where they launch their attack. The Rafah tunnels are typically dug inside residential homes to evade discovery by Israeli security personnel, in blatant disregard for the safety and well-being of Palestinian civilians. They are concealed under bathrooms, living rooms and kitchens. They are intentionally hidden under the beds of children and little babies, concealed by loose planks and rags.

The smuggling of massive arsenals and weapons at epidemic proportions and the cynical use of civilian areas to launch terrorist attacks invariably lead to the loss of innocent life and affect the basic right of people to lead their lives peacefully, without fear of getting killed for simply being in the wrong place at the wrong time. Among local residents terrorized by these concerns, there has been growing opposition to the tunnel-building and weapons-smuggling in Rafah. Last year numerous demonstrations by local residents were staged outside the Palestinian Authority's police and preventive security headquarters and other public buildings to protest the ongoing policy of apathy among the leadership of the Palestinian Authority.

Unfortunately, Israel does not have the luxury of pursuing that policy of apathy and inaction. Faced with the failure of the Palestinian leadership to comply with its obligations to fight terrorism, stop incitement and prevent the smuggling of weapons, Israel remains obligated to act in self-defence against a threat that poses a clear and present danger to innocent lives, while upholding its obligations under international law.

The unhindered effort by terrorist organizations to smuggle high-quality weapons, including rocket-propelled grenades, Katyusha rockets and anti-tank and anti-aircraft missiles, has already led to an escalation in the security situation and can lay a further burden on the population in the Gaza Strip. In recent months,

Palestinian terrorist organizations operating in Gaza have commenced executing a systematic plan to turn Gaza into a platform for launching rockets and missiles capable of reaching the entire aerial territory of Israel. In fact, the whole of Gaza, and Rafah in particular, is on the verge of becoming a missile base aimed at Israel's cities and civilian population. What would the international community have Israel do? Just sit back and wait for this horrific scenario to materialize?

As the Israeli Chief of Staff, General Moshe Ya'alon, said only last week,

> "It appears to us that although we are doing the best we can to prevent the smuggling of weapons to the Gaza Strip, the Palestinians have managed to smuggle RPGs [rocket-propelled grenades], which they are not supposed to have. They have been successful in smuggling RPGs, and quite a few too. We know for a fact that on the Egyptian side of the border, at the top of the Sinai desert, there are weapons that have reached that area. As far as we are concerned, Iran, through Hizbullah, is responsible for the presence of these weapons in that area. They are the ones that promote the smuggling of weapons into Gaza, unfortunately through the Sinai. This has happened because they have found the other borders to be impossible to penetrate, either by land or water. This is what makes this region, at the Egyptian-Israeli border, the weakest link for weapons smuggling".

If Israel does not act today to fight against the weapons smuggled and manufactured in Gaza, next month Katyusha rockets will be aimed at the homes of its citizens. The purpose of the current Israel Defence Force (IDF) action in Gaza is to terminate the transfer of all illegal weapons by underground tunnels to Gaza. One security measure employed in this regard is the demolition of structures that pose an operative security risk to Israeli forces. Recent actions have shown this countermeasure to be an effective and lawful way to minimize the occurrence of such attacks in general, and suicide terrorism in particular. Since April of this year, the Israel Defence Force has exposed eight underground tunnels used for smuggling weapons in the area of Rafah, in addition to 11 underground tunnels since the beginning of this year and 90 underground tunnels since the beginning of the intifada in September 2000. And just this week, the IDF discovered a new tunnel in Rafah already activated for use in smuggling arms into Gaza. The tunnel was 150 metres long and 5 metres deep and had four openings that led directly into Palestinian homes in the area.

IDF actions in Gaza have been criticized as collective punishment. Let me be clear: these tunnels are collective in their harm to all peoples in the area but require a response that is precise and decisive in its effect. While certain security measures taken in self-defence and necessitated by terrorist threats unfortunately cause hardships to sectors of the Palestinian population, this is categorically not their intent.

Both customary law and conventional law make it clear that the use of civilian objects and dwellings to support a military attack constitutes a war crime. The IDF does not demolish structures indiscriminately. Only those involved in terror and violence against Israeli civilians hold no immunity. When terrorists fire from within civilian structures, activate roadside charges from trees and fields or use a structure to conceal a weapons-transfer tunnel, military necessity dictates the demolition of these locations. Under international law, these structures are considered legitimate military targets. Therefore, in the midst of combat, when dictated by operational necessity, Israeli security forces may lawfully destroy structures used by terrorists. This is common knowledge, and yet it is too often that the Security Council is called upon to apply a different standard to Israel.

While operating against the terrorist infrastructure, Israel is doing its utmost to minimize the humanitarian impact on the civilian population. Israel refrains whenever possible from attacking terrorist targets from the air or with artillery, in order to minimize collateral damage. In so doing, Israel risks greater danger to the lives of its soldiers in order to lessen the risk to local residents. The death of 13 soldiers in ground operations in the Gaza Strip earlier this month is an example of the heavy price Israel pays for its commitment to minimize Palestinian civilian casualties. This was not the first time that the strict employment of such standards has resulted in the death of Israelis.

Israel's action in Gaza is all the more critical in the face of the failure of the Palestinian leadership to act determinedly against this threat. Today, weapons smuggling is run and managed by terrorist organizations with the approval and active participation

of the Palestinian Authority. Amazingly enough, the Palestinian Authority has actually encouraged residents to conceal tunnels in their residences, which results in the demolition of their homes. This brings with it an ample windfall: the construction of a new house by the Palestinian Authority.

Despite all this, Israel's Prime Minister remains committed to promoting his plan for disengagement from Gaza. Earlier this month, leaders from the international community met here in New York, in this very building, to discuss ideas for implementing that Israeli initiative. There was general agreement that the plan would improve the situation in Gaza for Palestinians and Israelis alike. However, the Palestinian response has been to increase violence and to renew its commitment to terror as a solution. Just two days ago, Yasser Arafat addressed his people, calling on them to terrorize the enemy. What signal does rejectionist leadership, weapons smuggling, parading with body parts and shooting mothers and daughters send to those who desire peace in our region?

The complete and utter refusal of the Palestinian Authority to prevent those actions violates the most basic norms of human rights, morality, signed agreements and peace plans such as the road map. In the vacuum left by those wilful violations, members of Yasser Arafat's own Fatah Al-Aqsa Martyrs Brigade and the Islamic Jihad were able to proudly and publicly claim responsibility for the heroic attack earlier this month on a pregnant Israeli mother and her four daughters — aged 2 to 11 — gunned down at point-blank range in Gaza.

Those violations cost the lives of the Hatuel family, and they will cost the lives of hundreds more unless the Palestinian leadership finally lives up to its responsibilities or, failing that, Israel undertakes the necessary defensive measures. If the Palestinian Authority had acted to fulfil its responsibilities as stated in the first stage of the implementation of the road map, there would be no need for the current Israel Defence Forces activity.

It should be emphasized: it is the Palestinians, not Israel, that have turned civilian homes into military targets. And it is those in the Palestinian leadership who place a higher price on smuggling weapons than on the welfare of the innocent resident population — those who have abandoned all responsibility and allowed their civilians to be at the mercy of terrorist groups that use their homes and their bodies as shields — who have forced us to take these steps.

The suffering of the Palestinian population is a direct result of Palestinian terrorism aimed at innocent civilians and the need for Israel to protect its citizens from these abhorrent attacks. Rather than criticize Israel for damaging private property, those truly concerned for Palestinian welfare, including humanitarian organizations in the area, should instead demand that the terrorists stop using homes to shield their illegal operations.

Israel has no war with the Palestinian people. We have no war with the Palestinian aspiration for statehood. The Prime Minister of Israel has stated clearly that Israel believes in the vision of two States, side by side, in peace and security. We have a war with terror and with those who are determined not to create the Palestinian State but to destroy the Jewish one. For nearly four years, Israelis have been the victims of a relentless and ongoing campaign by Palestinian terrorists to spread death and destruction, condemning our region to ongoing turmoil, killing 977 Israelis and injuring more than 6,000.

A genuine and responsible Palestinian leadership must be called finally and in clear terms — not in the faltering language of this typically one-sided resolution — to fight a war with terror. It is time that we ask the Palestinian leadership whether inciting terror, smuggling weapons and celebrating by dancing with the limbs of the dead are helping the cause of their people. It is time to make it clear that terrorism, even in the Palestinian cities of Gaza, is always unacceptable.

Achieving peace is simply not possible in an atmosphere of violence and terrorism. Characteristically, the Palestinian leadership has accepted that in principle and then proceeded to undertake every diversionary tactic it could conceive to avoid fulfilling its obligations. What was true in September 2000 remains true today: no progress is possible in the region as long as the Palestinian Authority continues to use its position and its resources to encourage a campaign of violence and terrorism against the citizens of Israel.

This resolution, regrettably, does nothing to further peace in the Middle East. Sadly, until the Palestinian people produce a credible and sane

leadership that truly wants peace and is willing to dismantle the infrastructure of terror and negotiate in good faith, no resolution will.

The President: I thank the representative of Israel for his kind words addressed to me.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.40 p.m.